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March 8, 2023

*Via ECF*

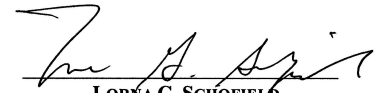
Hon. Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Application **GRANTED IN PART**. Plaintiffs' memorandum of law in support of the motion shall not exceed thirty (30) pages. Defendants' opposition to the motion shall not exceed thirty (30) pages. Plaintiffs' reply shall not exceed twelve (12) pages. Each side may file up to 225 pages of exhibits in support of or in opposition to the motion, regardless of the total number of exhibits. Any party that files portions of an expert report or deposition as an exhibit shall provide the Court with an electronic, text-searchable courtesy copy of the entire document, which will not count toward the page total. The parties shall email [Schofield\\_NYSDChambers@nysd.uscourts.gov](mailto:Schofield_NYSDChambers@nysd.uscourts.gov) requesting a link to upload such a courtesy copy. So Ordered.

Dated: March 8, 2023

New York, New York

Re: *McKoy, et al. v. The Trump Corp., et al.*, No 18 Civ. 9936

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

Together with Kaplan Hecker & Fink LLP, this firm represents Plaintiffs in the above-captioned matter. Pursuant to Your Honor's February 21, 2023 Order, Plaintiffs' motion for class certification is due on March 10, 2023. Dkt. 516. We write to respectfully request that the Court grant Plaintiffs leave to file a 40-page memorandum of law (15 excess pages) with up to 40 accompanying exhibits.

The parties have conducted extensive party, non-party, and expert discovery in this case concerning Defendants' nearly decade-long endorsement of ACN, including depositions of 28 witnesses. Plaintiffs seek leave to file excess pages and exhibits in order to sufficiently apply the Federal Rule of Civil Procedure 23 factors for class certification to this voluminous record.

The additional exhibits Plaintiffs seek to file include data and information relevant to the Rule 23 factors, including: (1) print articles, videos, websites, and other marketing materials documenting the various statements Defendant Donald Trump made as an ACN paid endorser concerning the ACN Independent Business Owner ("IBO") Opportunity, which give rise to Plaintiffs' claims; (2) documents detailing ACN IBO enrollment data, which will be used to ascertain and quantify the proposed Classes; (3) excerpts of reports by three expert witnesses, whose opinions will be used to demonstrate the falsity and materiality of Trump's statements; (4)

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transcript excerpts from the 30(b)(6) deposition of non-party ACN, which describe how Trump's endorsement of ACN was communicated and used to recruit prospective IBOs.

Plaintiffs sought Defendants' consent in this request, which is made in good faith based on what Plaintiffs believe is necessary to address the issues raised by Plaintiffs' class certification motion. Defendants consent only to Plaintiffs filing a 30-page brief.

For the reasons stated, Plaintiffs respectfully request leave to file a 40-page brief and up to 40 exhibits in support of their motion for class certification.

Respectfully submitted,

/s/

Matthew D. Brinckerhoff  
Katherine Rosenfeld  
Nick Bourland